



Bail (Domestic Violence) and Another Act Amendment Bill 2017

**Submission to Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000**

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1 Introduction

Gold Coast Centre Against Sexual Violence Inc. (GCCASV) welcomes the opportunity to make a submission to the Legal Affairs and Community Safety Committee in relation to the *Bail (Domestic Violence) and Another Act Amendment Bill 2017*. GCCASV supports efforts from both sides of politics to address violence against women by increasing victim safety and holding perpetrators accountable for their behaviour.

1.1 Gold Coast Centre Against Sexual Violence Inc.

GCCASV (formerly Gold Coast Sexual Assault Support Service) was founded in 1990 to deliver specialist sexual violence intervention and prevention programs to the Gold Coast community. It is a feminist, community based, community controlled charitable organisation funded by Department of Communities, Disability and Child Safety. Run by women for women, the agency services the geographic area from Coolangatta to Upper Coomera. The organisation provides a safe, supportive, woman-centred environment in which sexual assault survivors can become aware of their own strengths and gain confidence and control of their lives.

Mission Statement

The Gold Coast Centre Against Sexual Violence Inc. will provide all women and young women in the Gold Coast Community access to a comprehensive array of services and programs designed to prevent victimisation, offer crisis intervention, provide ongoing counselling and support services that will assist women to recover from the impact of sexual violence.

Services provided

To survivors of immediate and/or past sexual and intimate partner sexual violence

- Crisis support
- Ongoing professional counselling
- Support through the criminal justice system
- Support through related legal and medical processes
- Therapeutic and educational groups

To Friends and Family

- Information/support for partners, friends and relatives of victim/survivors

To General Community

- Resource information developed and disseminated
- Information on legal and medical issues in relation to sexual violence
- Public education campaigns
- Anti-violence presentations to students and the community
- Training to other professionals

Director

Di Macleod is currently the Director of the *Gold Coast Centre Against Sexual Violence Inc.* which she founded in 1990. She was also instrumental in the development of both the Gold Coast Domestic Violence Service and Macleod Accommodation Support Service, which is named after her. Di has over 30 years of experience in the area of domestic and sexual violence including working as a care provider, counsellor, refuge worker, court support worker, educator, trainer, service manager and consultant.

Di was an inaugural board member of the Australian National Association of Services Against Sexual Violence and a member of the Queensland Attorney General's Taskforce on Women and the Criminal Code. Di is currently on the Board of *Ending Violence Against Women Queensland*. and the Secretary of the *Red Rose Foundation* a new National organisation which has a focus on preventing domestic homicide.

GCCASV would like to make brief comment as follows:**1 Bail**

Within a domestic violence context, before any bail is granted, there needs to be a clear and consistent process to decide on the dangerousness of the offender. This could be determined through the proposed Queensland Common Risk Assessment Framework which will be used across both government and non-government agencies.

2 What should be considered in the granting of bail?

Because there is a high number of cross application orders in Queensland there may be unintended consequences when introducing a definitive “no bail” for breaches of domestic violence orders. We need to be much better at determining the predominant aggressor before this would be just or fair.

Research shows that between arrest and prosecution 30% of offenders re-assault (Goldsmith, 1991). Where serious violence, including strangulation, has been committed and there are safety concerns for the victim and children, the presumption of bail should be reversed.

In these serious cases, a thorough risk assessment from police, high risk team co-ordinators, specialist domestic and sexual violence workers, correctional officers, mental health workers etc. should be obtained. If this information is not available at the bail hearing, the matter should be adjourned and an urgent report sought before any bail is granted.

Strangulation has only recently been identified as one of the most lethal forms of domestic violence where unconsciousness may occur within seconds and death within minutes. When domestic violence offenders choke (strangle) their victims, not only is this a serious assault, but it may be an attempted homicide. Non-fatal strangulation is an important risk factor for homicide of women. Research shows that women who have been strangled are over 7 times more likely to be killed by their partner than those who have not been strangled. (Glass et al, 2008). Strangulation must be taken into account as se

The victim’s voice in the bail process is also essential as research has shown that a victim’s perception of risk is a significant factor relating to further assault and homicide. Victim’s perception of safety and levels of fear if the offender is released must be considered and incorporated into bail consideration.

Victim statement and assessment report on the offender could then be attached to the brief of evidence. The magistrate/judge is then able to rely on a range of specialist input as well as victim input in order to make an informed bail decision.

3 GPS Tracking Devices

GCCASV does not support the widespread use of electronic tracking devices for domestic violence offenders. During 2015, there were 19,405 contraventions of protection orders and we could not realistically respond to a huge numbers of offenders in this scheme. However, limited use of GPS tracking may be a possibility in the future for those who pose significant risk. However, there would firstly need to be a change in the way we currently respond. This would mean a thorough risk assessment, taking into account the victim’s level of fear, a high risk team model and enhanced police resources for a timely response.

In the USA, Connecticut has had some success in reducing homicide and serious assault with a comprehensive response to domestic violence which included GPS tracking devices used on 168 high-risk offenders. Unfortunately, due to the high level of resources and funding required this

response does not appear to have rolled out state-wide and has only operated in the Hartford, Bridgeport and Danielson regions.

4 Notifying victims about bail/parole

GCCASV supports a new system to alert the victim of a relevant domestic violence offence when the defendant applies for bail/parole and that this notification is given within 24 hours of the application being made.

Notification must be given to victims along with relevant support contacts **before** the offender is released on bail, receives a variation to a bail condition or applies for parole so that she can manage risk and plan for safety.

5 Information about a prisoner

GCCASV supports the introduction of a mandatory reporting provision to the parole system for when a prisoner applies for and receives parole so that a victim of domestic violence can receive information about a prisoner, even if the offence that the prisoner was convicted for is not a domestic violence offence.

REFERENCES

Glass, N., Laughon, K., Campbell, J., Block, C. R., Hanson, G., Sharps, P.W., & Taliaferro, E. (2008). Non-fatal strangulation is an important risk factor for homicide of women. *The Journal of Emergency Medicine*, 35(3), 329–335. <http://doi.org/10.1016/j.jemermed.2007.02.065>

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